

NEIGHBORHOOD COMMISSION
CITY AND COUNTY OF HONOLULU

MINUTES OF REGULAR MEETING OF JANUARY 10, 2006
HONOLULU HALE, COUNCIL COMMITTEE ROOM, 2ND FLOOR
530 S. KING STREET, HONOLULU, HAWAII

CALL TO ORDER: Chair Pam Witty-Oakland called the meeting to order at 7:08 p.m. with a quorum present.

MEMBERS PRESENT: Clara Ching, Jeanette Nekota, Pam Witty-Oakland, Mike Ellis, Roy Wickramaratna, Ed Gall, Sylvia Young.

MEMBERS EXCUSED: Kalene Sakamoto.

GUESTS: Jay Ishibashi (Managing Director's Office), Jennifer Waihee (City Deputy Corporation Counsel), Cynthia Rezentes (Waianae Coast Neighborhood Board No. 24), Lynne Matusow (Downtown Neighborhood Board No. 13), Bert Narita (Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5), Linda Wong (Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5), Michelle Matson (Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5), David Lemon (Pearl City Neighborhood Board No. 21), Daisy Murai, Maralyn Kurshals, Tom Smyth (Downtown Neighborhood Board No. 13), Tom Heinrich, Linda Ure (Kailua Neighborhood Board No. 31), Georgette "Jo" Jordan (Waianae Coast Neighborhood Board No. 24), Ron Lockwood (McCully-Moiliili Neighborhood Board No. 8), Jim Corcoran (Kailua Neighborhood Board No. 31), L. Gary Bautista (Ewa Neighborhood Board No. 23), Debbi Glanstein (Kailua Neighborhood Board No. 31), Al Furuto (McCully-Moiliili Neighborhood Board No. 8), Clifton Takamura (McCully-Moiliili Neighborhood Board No. 8).

STAFF: Baybee Hufana-Ablan (Executive Secretary), Joan Manke (Executive Secretary-designee), Michelle Kidani, Elwin Spray.

WELCOME: Chair Witty-Oakland welcomed the community and announced that future 2006 Honolulu Hale meetings would be scheduled for this Council Committee room. Chair Witty-Oakland also welcomed Executive Secretary-designee Joan Manke (Senior Advisor, Department of Customer Service).

RECOGNITION OF C.O. "ANDY" ANDERSON: Chair Witty-Oakland asked for a moment of silence to recognize the many contributions of the late C.O. "Andy" Anderson, chair and long-time member of the Waipahu Neighborhood Board No. 22.

APPROVAL OF MINUTES FOR REGULAR MEETING OF NOVEMBER 8, 2005: Chair Witty-Oakland asked for commissioner's corrections on the circulated Minutes for the Regular Meeting of November 8, 2005. Ching corrected the minutes; stating that her corrections that were to be placed in the November minutes were omitted and the corrections should be made part of these January 10, 2006 minutes. Ching further explained that part of the insertions in the November minutes were intended for NCO staff background information only.

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Commissioner Ching had the following corrections:

NEIGHBORHOOD COMMISSION MEETING: November 8, 2005, Kapolei Hale

Commissioner Dr. Ching's corrections to the October 11, 2005 minutes with the introductory written statement at the November 8, 2005 meeting: please include the following statement:

Chair Witty-Oakland and Commissioners:

Commissioner Dr. Ching had provided a written statement to NCO and Chair for the correction of the minutes at the October 11, 2005 NC meeting. I do have extremely high work ethics. This brief statement was not recorded in the October 11, 2005 minutes and expressed my concern for the past year as a Commissioner that "Minutes should be recorded accurately without editorializing and provide a true reflection of the matter discussed at the meeting and the view of the participants." As Neighborhood Commissioners, we need to continue to work with the NCO staff to develop uniform standards for recording minutes. Therefore, I am requesting that my brief written statement provided to the NCO October 11, 2005 meeting be added to the minutes. Thank you.

Corrections to Neighborhood Commission Minutes September 13, 2005: Clara Y. Ching, Ph.D. Add Commissioner Clara Y. Ching, Ph.D. brief explanatory written statement provided at the meeting October 11, 2005 with copies to Elwin Spray, NCO, and Pamela Witty-Oakland, Chair.

"Issue: Minutes should be recorded accurately without editorializing and provide a "true reflection of the matters discussed at the meeting and the view of the participant". ("The Sunshine Law", Office of Information Practices, State of Hawaii, February 2005, Part I of Chapter 92, Hawaii Revised Statutes, Section 92-9 Minutes, page 35)

Commissioner Ching's "Issues and Concerns" are not recorded in the May 10, 2005 NC minutes. Commissioner Ching provided corrections to the May 10, 2005 NC meeting minutes at the September 13, 2005 NC meeting. The NC unanimously approved the May 10, 2005 NC minutes as corrected. Information on the "Issues and Concerns" was not recorded in the minutes. Therefore, I request that my "Issues and Concerns" and the MNB #7 minutes (pages 3, 4) be included in tonight's October 11, 2005 NC meeting minutes."

NEIGHBORHOOD COMMISSION MEETING: September 13, 2005

ISSUES AND CONCERNS:

Corrections Neighborhood Commission (NC) Meeting Minutes, May 10, 2005

Our Neighborhood Commissioners are now aware of Executive Secretary Baybee Hufana-Ablan's "New Office Policy on Content of Minutes ... no longer quote individuals unless they are making a motion and limit meeting minutes to summaries of matters discussed and views expressed." (HO'IKE LONO 6/05)

Commissioner Ching's "ISSUES AND CONCERNS" are not recorded in May 10, 2005 NC Minutes. Re: Manoa Neighborhood Board #7 (MNB) Regular Meeting Minutes, July 7, 2004
Commissioner Ching has requested NCO develop uniform standards for recording minutes by Neighborhood Assistants (NA).

For educational purposes, Commissioner Ching had requested the NCO review the NA recording of the minutes for MNB July 7, 2004 meeting since the July 2004 training session held for NB Chairs

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and the St. Louis Kapahulu Diamond Head NB. **Motions made by Ching "Point of order" and "Appeal the decision of the Chair" were not properly recorded by NA. He used personal editing "...Ching challenged Chair Heinrich's allowing discussion without previously having a motion on the floor..."**

A follow-up of this issue was raised at the NC meeting January 11, 2005.
Corrections to the January 11, 2005 NC minutes were made March 15, 2005 to record this issue.
MNB had not approved minutes since April 2003.

At the NC meeting, May 10, 2005: *Education of the NA in the proper recording of motions made with no personal editing, in Commissioner Ching's opinion, was a critical issue and concern raised regarding the MNB July 7, 2004 minutes. This matter was not reflected in the May 10, 2005 NC minutes.*

I distributed copies of the MNB July 7, 2004 minutes (p 3, 4) to NC members regarding "Consideration of various proposed resolutions relating to the University of Hawaii Board of Regents' decision to remove President Evan Dobelle and its consequences" with three versions of the wording of the Board's action that was not presented for voting to the MNB members at their meeting May 4, 2005. I request that these two pages be attached to the May 10, 2005 NC meeting minutes as an addendum with my "Issues and Concerns" which was not included in the minutes.

Re: Manoa Neighborhood Board #7 (MNB) Regular Meeting Minutes, July 7, 2004

Discussion on resolutions proposed by Chair Heinrich and other community members regarding the termination of UH President Dobelle for cause, in my opinion, was not appropriate. Furthermore, I do believe that the impartiality required of the Chair precluded his right to propose resolutions unless he relinquished the Chair. As the UH Representative Jim Manke had stated, the subject was under mediation, thus no comment from anybody. As MNB members, we did not have any factual information to make any reasonable decision. Thus, this member raised a point of order followed by the appeal of the decision of the chair that the RNP did not require a motion to be made before discussion could be held. Please refer to the following:

1. RNP 1998 edition, p 49 Rule No. 8. Parliamentary Practices

Section 4-8.1 Motions state:

" (a) No motion shall be received and considered by the board until the same has been seconded. However, committee recommendations need not be seconded."

As stated in the MNB minutes, July 7, 2004 (p 3, 4), "Note from Jim Harwood, May 2005. There is controversy about the wording of the Board's actions at this point. Following are three versions to be voted on by the Board during approval of the minutes." MNB members were not informed of the need to vote during the approval of the minutes on one of these versions: Neighborhood Assistant's version, Clara Ching's version, Harwood and Heinrich's version.

For your information, "Clara Ching's version" regarding the question on the appeal, "Shall the decision of the Chair to allow discussion be sustained?" was the question posed by Chair Heinrich after much debate following the wording advised by Member George Nakano. Harwood and Heinrich's version reversed the motion as well as the votes. The results recorded were also the reverse of the original minutes as recorded by the NA. Interestingly, Harwood and Heinrich made no corrections to the original July 7, 2004 minutes submitted by the NA till I submitted my correction April 22, 2005 to Chair Harwood, almost one year later. He had requested a meeting with him to help with the corrections of the MNB meeting minutes, January 2005 and March 2005, which had serious misinformation.

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Other issues and concerns discussed at the May 10, 2005 NC meeting involved:

1. Corrections of the MNB meeting minutes of January 5, 2005 were made at the March 2, 2005 meeting. The March 2005 minutes had serious misinformation recorded by the NA that needed immediate corrections. Executive Secretary Hufana-Ablan was present at this March MNB meeting. Chair Jim Harwood had assured me that a covering memo would be sent to NCO with the corrections at our special April 22, 2005 meeting. These serious errors were also reported to the NCO staff: Baybee Hufana-Ablan, Michelle Kidani and Elwin Spray and needs to be resolved.
2. Question regarding my request, Feb 17, 2005 as a Commissioner to fax NC meeting minutes, January 11, 2005. Phone message left by Sherri, NCO, that she "had to check with Commissioner Roy if ok to release minutes unapproved because we normally don't do that". He informed her that Commissioners had to wait till the February 22, 2005 meeting for the approved version. Chair Roy denied remarks attributed to him. Commissioner Ching accepted Chair Roy's statement and questioned NCO staff remarks and policies.

**From: MANOA NEIGHBORHOOD BOARD NO. 7
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UNIVERSITY OF HAWAII ADMINISTRATION – Jim Manke, representing the University of Hawaii, reported the following: (1) Development of the tea house at the Lyon Arboretum is years away at this time. (2) Repaving of the Astronomy Institute's parking lot will be done in phases and take six weeks to complete. The work also includes work on curbs and walkways. (3) The coffee shop in the Atherton YMCA is being displaced to another location because its space is being leased for other uses. (4) Chair called to comment – he indicated to the Chair that he could but would not comment on the change in leadership of the presidency. The subject is under mediation at the present time, and normally, during mediation there is no comment from anybody.

Questions, answers and comments followed: (1) The new parking structure on Dole Street will be ready for the start of classes this Fall.

Chair Heinrich deferred the agenda to take an item of New Business at this time. There were no objections.

NEW BUSINESS:

CONSIDERATION OF VARIOUS PROPOSED RESOLUTIONS RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS' DECISION TO REMOVE PRESIDENT EVAN DOBELLE AND ITS CONSEQUENCES -- Chair Heinrich reviewed the following resolutions proposed by himself and other community members: (1) Request that a community representative from the Manoa Neighborhood Board No. 7 (and possibly the McCully-Moiliili Neighborhood Board No. 8) be included as a member of the new presidential selection committee. (2) Acknowledge the continued positive relationship between the Manoa Neighborhood Board and the University of Hawaii e.g., Dobelle's initiatives, proposed acquisition of Paradise Park area, various capital improvement projects, "University Town Center" discussions, participation on the UH-Manoa Long Range Development Plan Committee (Tom Heinrich, Jim Hardwood, Ron Lockwood). (3) Request that the Governor remove all of the present members of the Board of Regents and start fresh. (4) Express concerns with the apparent lack of progress and/or abuse of process by the Board of Regents in the matter of the termination of President Dobelle. (6) Proposed that the primary UH Manoa campus area be given to the McCully-Moiliili Neighborhood Board No. 8.

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Discussion, pro and con, followed on the above items.

There is controversy about the wording of the Board's actions at this point. Following are three versions to be voted on by the Board during approval of the minutes.

Neighborhood Assistant's version:

During the discussion, Ching challenged Chair Heinrich's allowing discussion without previously having a motion on the floor. **A vote was taken on whether or not to uphold the Chair's ruling to allow the discussion.** A yea vote would uphold the Chair's ruling, a nay vote would not uphold the Chair's ruling. The vote was as follows: Yea: Fassler, Wong, Heinrich, Harwood, Ragsdale. Nay: Nakano, Chapin, Iwai, Borges, Pearson. Abstain: Ezaki, Hueftle, Shoji, Nishioka. There was no majority vote to uphold or not uphold the Chair's ruling. Chair Heinrich allowed discussion to continue on this subject.

Clara Ching's version:

During the discussion, Ching raised a point of order. No motion was pending. Therefore, Chair Heinrich should not allow discussion to continue. Chair Heinrich stated this discussion was permitted at Neighborhood Board meetings. Ching appealed the decision of the Chair. Members voted on the appeal, "Shall the decision of the Chair to allow discussion to be sustained?" The vote was as follows: Fassler, Wong, Heinrich, Harwood, Ragsdale. Nay: Ching, Nakano, Chaplin, Iwai, Borges, Pearson. Abstain: Ezaki, Hueftle, Shoji, Nishioka. Chair Heinrich allowed discussion to continue on this subject.

Harwood and Heinrich's version:

During the discussion, Ching raised a point of order concerning whether the discussion could proceed without a motion having been made. Chair Heinrich stated that the Revised Neighborhood Plan did not require a motion to be made before discussion could be held on any issue. Ching appealed the Chair's decision. The question then put was, "Shall the appeal to overturn the ruling of the Chair be sustained?" The vote was as follows: (6-5-4) Yea: Ching, Nakano, Chapin, Iwai, Borges, Pearson. Nay: Fassler, Wong, Heinrich, Harwood, Ragsdale. Abstain: Ezaki, Hueftle, Shoji, Nishioka. The question failed as nine affirmative votes are required. Therefore, Chair Heinrich allowed discussion on the University of Hawaii leadership issues to continue.

Dr. Ching's issues and concerns:

1. Minutes should be recorded accurately and provide a "true reflection of the matters discussed at the meeting and the view of the participants."
 2. Education of the Neighborhood Assistant (NA) in the recording of minutes (motions: point of order, appeal decision of the chair) accurately with no editorializing.
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Commissioners had no other corrections to the minutes. Ure distributed two pages of text and said the December 10 meeting date was not set but only a "possible" occurrence, the video vendor was not paid although the Commission Office had debited a video payment on a monthly statement, and the agenda was not on the web site. Ure asked if audience inputs were accepted as motions for corrections; Chair Witty-Oakland said that the intention of minutes is for a summary of action and that she understands that Ure is looking for more detail. Ure said that the information regarding the video was important. Smyth noted that, based on his experience working with minutes, that corrections should be inserted in the minutes of the occurrence, not of subsequent meetings; Chair Witty-Oakland said that her intent is to have Commission

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minutes produced in that manner, with perhaps the web version using a watermark "draft." Smyth added that to correct versions of older minutes requires agenda notification and that a limit to web-posted minutes should be determined, suggesting possibly a 6-month limit. Smyth also said that an audience has no "standing" at meetings (to make motions); a Commission or Board can vote, but not the audience, however the audience may make a comment on agenda items. Lemon said that he "opines" that the audience can offer comments. Glanstein said that an audience may discuss but that Commissioners vote. **With no objection, Chair Witty-Oakland declared the November 8, 2005 Regular Meeting Minutes approved with Dr. Ching's statements to be included 7-0-0. Aye: Wickramaratna, Gall, Ching, Nekota, Witty-Oakland, Ellis, Young.**

EXECUTIVE SECRETARY'S REPORT: Hufana-Ablan distributed a written report and noted the change in the Executive Secretary position will take place next week, January 16, 2006. She explained that she will move to Senior Advisor in the Emergency Services Department and that Joan Manke, Senior Advisor in the Department of Customer Services, will be designated Executive Secretary, pending confirmation by the City Council.

Manke reported that she is excited over the new position, that she is requesting support from the Neighborhood Board ohana as she takes the assignment, and that she is coming from a background of community involvement (from St. Francis Hospital, with Congresswoman Patsy Mink, and with the Department of Customer Service).

Hufana-Ablan reported on a letter to Commissioners and Boards, asking for their support to Manke as she takes on this new assignment. Hufana-Ablan expressed sadness on leaving both Commissioners and the many community members she has worked with. She reported that she is taking a twenty-eight-year background as a health professional to EMS, which is a separate department dealing with paramedics (EMS), City lifeguards, educational programs, emergency preparedness and health outreach.

Hufana-Ablan also reported on the following:

- **CHARTER COMMISSION:** The City's Charter Commission has been considering proposals for changes, including 16 proposed alterations, and will discuss the Neighborhood Commission related items at its January 24, 2006 meeting.
- **INFORMATION PRACTICES ISSUES:** The State Office of Information Practices has offered guidance on a number of issues in 2005. The Commission Office will make arrangements for the documents to be posted on the City website.
- **CHAIRS GATHERING:** Neighborhood Chairs were invited to a discussion last month with Les Kondo of the State of Hawaii Office of Information Practices. The discussion centered on permitted interactions of members at group meetings and on minutes.
- **COMPLAINT PROCESS:** Community members may file official complaints against their neighborhood board and the Commission may determine the appropriate remedy commensurate to complaint. The complaints require a response by the neighborhood board and an determination by a deputy corporation counsel of the issues to be heard (a meeting of the deputy corporation counsel and the complainant and the respondent is required). Following the clarification of issues, a hearing is scheduled before the

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Commission. Hufana-Ablan also reported that two complainants had been met with and that one other complainant had withdrawn a complaint.

Gall commented that the Commission is appreciative of Hufana-Ablan's efforts as Executive Secretary and expressed a vote of thanks to her as she leaves office. Furuto also expressed his thanks for Hufana-Ablan's efforts. Smyth stated that it was good to have the report on Office of Information Practices issues and suggested that complaint issues could also be shared, further suggesting that the complaints be redacted and summarized for the specific Neighborhood Board-community issues. Chair Witty-Oakland suggested that communications be web-posted as a City departmental communication.

REVIEW NEIGHBORHOOD BOARD COMPLAINT HEARING PROCESS / ACTION TO ESTABLISH POLICY FOR HEARING COMPLAINTS OF NEIGHBORHOOD BOARD MEMBERS: Chair Witty-Oakland asked that Commissioner review the complaint process timeline and be prepared to hear complaints at the March 2006 meeting. She suggested that ground rules for hearings – identifying character witnesses and time limits on testimony – might increase the productiveness of the hearings. Wickramaratna said that no restrictions would be better. Nekota said that the issues should be limited to the Neighborhood Board, not to character issues. Chair Witty-Oakland asked how “relevancy” should be established; Nekota said that complaint participants are passionate but Corporation Counsel limits issues. Smyth said that the process needs to be improved in the Plan, since now evidence is given “un-sworn” but sunshine law violation is a misdemeanor. Smyth said that one possible Commission action is to refer an issue to the Prosecuting Attorney. Glanstein said the bottleneck is currently the pre-hearing review and that many issues could be settled by involving experts, such as those trained in parliamentary procedure, in the reviews. Matusow said that complaints are filed sometimes against a Board and sometimes against Board Members as individuals. Chair Witty-Oakland asked that comments be made about possible ground rules on the process. Matson said that several commissioners are aware of past complaints and problems from the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 where the issues included both personal and “order and decorum” which could have been addressed by additional training from the Commission. Ure asked about ‘pre-hearing’ date; Chair Witty-Oakland said the intended issue for the future Commission agenda would be a ‘hearing.’ Takamura started to discuss Plan issues, with Chair Witty-Oakland asking him to defer until the next agenda item. Ellis suggested that requiring written statements rather than oral presentations and suggested limiting all oral statements to a total of five minutes. Nekota said the parties need to know ground rules ahead of time. Ellis said that the Commission could establish ground rules with oral summarization. Chair Witty-Oakland suggested that the intent is good but perhaps limitations could not be made. Glanstein said the limits could be done. Smyth said the pattern is a contested case hearing with written briefs, not a jury trial. Chair Witty-Oakland agreed with Smyth. Smyth suggested reviewing land use disagreements to see the pattern used in contested case situations. Lemon said complaints should be submitted with requested remedies. Wickramaratna said that if Boards work as they are supposed to, there should be no complaints. Chair Witty-Oakland said that documentation is needed from the Commission office. Ure asked if written descriptions of the process are given. Spray said the process is given in writing. Ure said the process is not ever given in writing. Corcoran said he was never given the process in writing. Hufana-Ablan said the Board chair is given the option to respond. Several of audience said no; no notice was given to chairs. Chair Witty-Oakland said the need is for ground rules at the hearing itself, including the need for submittal of written materials. Ure said the need for

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submission of materials, including videos, is at the pre-hearing. Glanstein asked about role of Neighborhood Assistant (NA) in the complaint process. Chair Witty-Oakland said she wasn't familiar with staff involvement. Wickramaratna said complainants have sometimes had Neighborhood Assistants (NA) as witnesses but that the Commission Office was opposed. Nekota said that the NA was not on the clock or eligible for mileage as a witness. Chair Witty-Oakland said she understood difficulty of staff being involved. Nekota said that in such a situation the NA would have to be taking both sides of an issue.

NEIGHBORHOOD PLAN COMMITTEE REPORT/UPDATE ON NEIGHBORHOOD PLAN REVISION: Committee Co-Chairs Gall and Wickramaratna distributed a letter suggesting Commission consideration of three alternatives: 1) Wait for possible Charter Commission action; 2) Go to public hearing with current draft; 3) Take current draft from Plan Committee. Under item no. 3, was a suggestion that the Plan draft could be turned over to the Executive Secretary for comparison to the various Committee's records to see if the Committee's prior positions have been followed in production of the current draft. Chair Witty-Oakland asked for additional copies of the letter to be made and continued the meeting. Matusow said the production of a report meant that there was a meeting that required an agenda. Smyth said an agenda was not necessary. Matusow said that if there are two members, then an agenda and a meeting are necessary. Chair Witty-Oakland asked to continue the meeting. Matusow said she would file a complaint with the State Office of Information Practices listing the Commission as improperly acting on a report. Ching asked the chair for a point of information on whether an executive session should be called to consult with the attorney, also, as there had been no consultation regarding the current draft of the Neighborhood Plan. Chair Witty-Oakland said she did not think an executive session was necessary at the current time. Ching said she would like to discuss the draft Plan; Chair Witty-Oakland said the time would be more appropriate after the Commission had a final draft. Ching said that a prior message from the Corporation Counsel said an executive session was needed; Chair Witty-Oakland said the final draft was not before the Commission yet. Ellis said he was concerned that the Charter Commission items need to be considered and suggested that the final draft be left open to include Charter items. Young asked if item no. 3 meant to disband the Plan Committee and start over; Gall said no but that staff would start with the current draft Plan and start with what they have now. Young said that she believes that parts of the current draft are OK and that the Commission should move on with what is there currently; Ellis said that the current draft was reported as not complete. Young said that some changes need to be adopted now and that some changes can be considered after the Charter Commission findings, saying that the draft has items now that can be salvaged. Ellis said that the Commission should not drop everything, that there are some solid amendments, and that the Commission can move forward on those. Young said that time has been spent moving to the current draft and that the Commission should cut its losses and move with a separate committee; that waiting is not the answer. Ellis asked if the issue was the committee or a few members of the committee. Young said the issue was not the committee but the Commission as a whole. Chair Witty-Oakland said it was wrong to wait on the Charter Commission as the Commission may choose not to act on any given proposal and suggested action on Alternative 3, which could be performed by the staff, who would be able to respond to community suggestions that some items have been missed in this latest draft. Takamura said that the Charter Commission was to meet on January 24, 2006 and would hear 16 proposed amendments to the Charter dealing with the general Neighborhood Commission subject, adding that he had submitted a letter and said the Commission should recognize the time spent and finish the job on the Plan revision. Glanstein said that the Charter Commission may place items

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on the ballot but that Neighborhood Commission should fix issues such as order and decorum, complaint process and malfeasance/misfeasance. Rezentes said that the current Commissioners should note that the minutes of the Plan Committee have every Commissioner at the meetings and that it was a Committee of the Whole in fact if not in actuality. Rezentes said that the November 8, 2005 document should have been accomplished in light of motions passed, that OIP items should be added, and that staff should do the line-by-line comparison. Ure said why was the Plan Committee meeting cancelled and what was in the package that a Board member signed for. Matusow said that five Saturdays worth of work had been done on the draft Plan, which was supposed to go to the Corporation Counsel and Matusow said that staff should review to see what the draft Plan includes. Matusow said that the committee did its job but that the wordsmith did not make the changes that the committee had voted to change. Wickramaratna said that he needed to correct Young that all Commissioners were originally involved in the Plan Committee but that from the October 2002 meetings only Gall and himself were left to be involved and finish the review. Chair Witty-Oakland agreed that Gall and Wickramaratna had stepped up to work on this project when the need was recognized. Young said that since the items are still in draft version means that the project is starting all over again. Corcoran said that he was at the meetings, that he worked hard and that those continuing to work on this project should be restricted to Board members.

Chair Witty-Oakland asked for a motion on the Plan revision issue, asking if any motion would support taking the draft Plan to public hearing or of waiting for Charter Commission position; there were no motions. **Young moved for Alternate 3 with the Commission to accept the current draft Plan revision from the Plan Committee and to have the Neighborhood Commission act as a Committee of the Whole, and to include Board members; Ellis seconded the motion.** Gall said that adding that Neighborhood Commission staff should be included in the process. Chair Witty-Oakland pointed out that staff had been included in past Plan Committee minutes as participating.

EXECUTIVE SESSION: Ellis moved to place the Commission in executive session to discuss, pursuant to Hawaii Revised Statutes Sections 92-4 & 92-5(A)(4) & (8), for the purpose of consulting with the Neighborhood Commission's legal counsel on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities, especially in relation to the Commission's rules, sunshine law and agenda items. Without objection, Chair Witty-Oakland declared the motion passed 7-0-0, recessed the Commission meeting and convened the Commission in executive session. **Aye: Wickramaratna, Gall, Ching, Nekota, Witty-Oakland, Ellis, Young.**

The Commission met in executive session from 8:50 p.m. until 8:59 p.m.

REGULAR MEETING: Chair Witty-Oakland called the Neighborhood Commission back to order at 8:59 p.m. Present: Wickramaratna, Gall, Nekota, Witty-Oakland, Ellis, Young. Ching arrived at 9:01 p.m.

Chair Witty-Oakland announced that the motion was out of order. Young moved and Ellis seconded, that the Neighborhood Commission accept the project of revisions to the Neighborhood Plan from the Neighborhood Plan Committee and that the Commission act on the current draft Plan as a Committee of the Whole. Rezentes said that the Boards have been advised that reports of committees are not to be acted upon by the Board at the meeting

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that the report is first made, but that the Board needs to wait until a subsequent meeting. Chair Witty-Oakland suggested that the Commission would hold off on action on the motion. Smyth said that staff can start to work now. Smyth also pointed out that the production of the Neighborhood Plan is part of the rule-making authority of the Neighborhood Commission and that rule making does not require public input in the draft mode, pointing out that frequently rule making is done by staff or consultants up to the public hearing phase. **Young and Ellis, without objection, withdrew their motion.** Chair Witty-Oakland noted that the Commission accepted the report from the Neighborhood Plan Committee. Chair Witty-Oakland requested that the staff review and correct the current draft Plan with the minutes of the Plan Committee meeting she has. Chair Witty-Oakland also reported that she has an electronic version of the current draft Plan. Ellis said that the committee should submit the committee's document and final draft as a report; Chair Witty-Oakland said the report didn't need to be voted on to be distributed. Rezentes said that the committee could have a meeting with an agenda prior to the next Commission meeting and that the document would be properly available since the meeting would have had an agenda. Matusow reported that the Kailua participants in the Plan Committee process have produced a 35-page review of the current Plan draft. Ure said their group reviewed and fixed portions of the draft Plan and were prepared to deliver their results at the December Plan Committee meeting but did not because the meeting was cancelled. Nekota asked that Ure e-mail the document, with Ure saying she would e-mail the document and that the fixed items were with regard to the Charter Commission proposals.

PROPOSED CHARTER COMMISSION AGENDA (OF JANUARY 24, 2006) ITEMS RELATING TO NEIGHBORHOOD COMMISSION: Chair Witty-Oakland reported that the Charter Commission was considering 16 items and asked if any Commissioners wished to offer motions; there were no motions. Chair Witty-Oakland noted that if Commissioners felt they would be interested in attending the January 24, 2006 Charter Commission meeting then the Neighborhood Commission should vote to designate a permitted interaction of members outside the Neighborhood Commission meeting; there was no motion to form a permitted interaction.

PUBLIC INPUT: Chair Witty-Oakland opened the meeting for public input. Matusow expressed thanks to Hufana-Ablan and welcomed Manke to the Executive Secretary position. Ure said that minutes should be archived and that they should be available for longer than six months. Jordan commented on the need for future meetings to be held in Kapolei; Chair Witty-Oakland agreed that Chair Witty-Oakland's commitment was to rotate meetings in both Honolulu Hale and Kapolei Hale and explained that the comment at the meeting's opening was that Honolulu Hale meetings would be planned for the Council Hearing room. Chair Witty-Oakland also said that the rotation would be that the next meeting would be planned for Kapolei and asked for an alternative to February 14, 2006, the next normal meeting date, with several Commissioners making comments. Chair Witty-Oakland announced that the next meeting would be March 14, 2006 in Kapolei Hale. Chair Witty-Oakland said that the agenda would be posted on the web, noting that the web page was not updated until 5 p.m. that day. Wong asked about the scheduling of a complaint against the Waikiki Neighborhood Board and inquired why the Commission met on the same evening as Waikiki; Matusow said that the Commission's selection of the second Tuesday as their regular date predated Waikiki's. Furuto reported that the Commission should be reviewing his community and their disregard of the democratic process. Bautista asked about the next meeting; Chair Witty-Oakland announced that the next meeting would be on Tuesday, March 14, 2006, planned for Kapolei Hale. Glanstein said that budget issues were coming up and suggested a Commission-sponsored workshop to explain

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the issues to Board members; Chair Witty-Oakland explained that departmental input is past and that the Mayor would be submitting his budget at the beginning of March. Smyth said that the Commission Office has convened large informational meetings in the past, explaining that the prior Corporation Counsel did not consider noticed meetings to be sunshine law violations. Smyth also noted that some general distribution items could be posted on the web. Ure said boards can form permitted interaction groups which may exceed the OIP prohibitions against large member gatherings, meaning that more than a quorum can attend; Smyth said permitted interaction groups can not exceed quorum levels.

ADJOURNMENT: Chair Witty-Oakland thanked the audience for attending the meeting and, at 9:28 p.m., announced, without objection, the adjournment of the Regular Meeting of January 10, 2006, 7-0-0. Aye: Wickramaratna, Gall, Ching, Nekota, Witty-Oakland, Ellis, Young.

Submitted by Elwin Spray, Neighborhood Commission Office staff